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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,638	10/24/2003	Michael D. Kotzin	CS21973RA	8620

20280 7590 03/22/2006

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EXAMINER

SABOURI, MAZDA

ART UNIT PAPER NUMBER

2617

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/692,638	Applicant(s) KOTZIN, MICHAEL D.	
	Examiner Mazda Sabouri	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10,12 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over 2001/0052846 (Jespersen).

3. As to claim 1, Jespersen teaches a method comprising a portable communication device monitoring for a proximity signal having a first authorization code (address from signal S) transmitted from a controller unit (RF badge/second chip). Jespersen teaches determining whether the first code is valid (see Jespersen, paragraphs 54-57 and figure 10). In a separate embodiment, Jespersen teaches that if the first signal is not valid, a second signal (signal S') is monitored for determination of validity (see Jespersen, paragraphs 63-64 and figure 13). Jespersen teaches that the method shown in figure 13 monitors the enabling signal "in a similar manner described hereinbefore" (see Jespersen, paragraph 64). This is motivation for combining elements (address/code checking and timeslot checking) from figure 10 (a prior embodiment) into the method shown in figure 13. In the combined embodiments, the codes (addresses the first and second units with signals S and S') would be monitored in a predetermined time period. If a valid code were received, normal operation of the device would be enabled (see Jespersen, see paragraph 57 and figures 10 and 13). It would have been obvious to

Art Unit: 2642

one of ordinary skill in the arts at the time the invention was made to combine the embodiments (shown in figures 10 and 13 respectively) taught by Jespersen, for the reasons mentioned above.

4. As to claim 2, Jespersen further teaches the step of determining that a valid code has not been received in a predetermined time period (see Jespersen, figure 10).

5. As to claim 3, Jespersen further teaches disabling the wireless device upon failing to receive the second code (see Jespersen, paragraph 64).

6. As to claim 4, Jespersen further teaches enabling the device for a predetermined time period (see Jespersen, paragraphs 41 and 54 and figure 10).

7. As to claim 5, Jespersen further teaches disabling of the device upon not receiving a valid code (within the predetermined time) (see Jespersen, paragraph 64).

It is inherent that a specific functionality (perhaps all functionalities) would be disabled.

8. As to claim 6, Jespersen further teaches that the authorization codes can comprise a personal identification number (see Jespersen, paragraph 4).

9. As to claims 7 and 8, Jespersen further teaches the device providing an audible notification (an alarm) when a valid code is not received in a predetermined time period (see Jespersen, paragraph 64).

10. As to claim 10, Jespersen further teaches receiving the second signal including the second code from the controller unit (see Jespersen, paragraph 64). Note that examiner interprets the two Bluetooth units (units 2 and 3) as being one entity. The two units work together to perform the same task.

Art Unit: 2642

11. As to claim 12, Jespersen further teaches comparing the codes to a code stored in the memory of the device (see Jespersen, paragraph 41).

12. As to claim 16, Jespersen teaches a wireless portable communication device (see Jespersen, figure 1) configured to be enabled or disabled based on proximity to a controller unit (see Jespersen, abstract). Jespersen teaches a proximity signal monitor (first chip) configured to monitor and receiver proximity signals within a predetermined time period. The proximity signal includes a first code (address from signal S). There is a code evaluator (in the first chip located in the mobile terminal) that determines whether the code is valid. There is an operation enabler (controller) configured to enable normal operation of the device if the received code is valid (see Jespersen, paragraphs 54-57 and figure 10). In a separate embodiment, Jespersen teaches that if the first signal is not valid, a second signal (signal S') is monitored for determination of validity (see Jespersen, paragraphs 63-64 and figure 13). Jespersen teaches that the method shown in figure 13 monitors the enabling signal "in a similar manner described hereinbefore" (see Jespersen, paragraph 64). This is motivation for combining elements (address/code checking and timeslot checking) from figure 10 (a prior embodiment) into the steps shown in figure 13. In the combined embodiments, the code evaluator would determine whether second code is valid. If the second code were valid, the operation enabler would enable normal operation of the device. Otherwise, the device would be disabled (see Jespersen, see 62-64 and figures 10 and 13). It would have been obvious to one of ordinary skill in the arts at the time the invention was

Art Unit: 2642

made to combine the embodiments (shown in figures 10 and 13 respectively) taught by Jespersen, for the reasons mentioned above.

13. As to claim 17, Jespersen teaches a timer (inside the first chip) for tracking the predetermined monitoring time for the first code (see Jespersen, figure 10).

14. As to claim 18, Jespersen teaches the code evaluator checking the first code in a predetermined time period.

15. As to claims 9 and 19, Jespersen further teaches that the authorization codes are addresses for the chips in RF tags/units that store and produce the codes. Jespersen teaches that the first and second signals (having the first and second addresses/codes) come from one of these units (see Jespersen, paragraphs 36 and 64). What is lacking are the these controlling units (second and third units of paragraph 64) having the same address (code). It should be apparent from the teachings cited in the rejection of claims 1, 16 and 18 that the second code (address of the third unit) can be the same as the first code (address of the second unit) without ruining the invention. The motivation for doing this can be found in Jespersen. Jespersen teaches that the second unit operates with the third unit to control the wireless device (see Jespersen, paragraphs 62-64). Since the two units work together to perform the same task, it is logical that they have the same code. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to have the first code be the same as the second code, for the reasons mentioned above.

Art Unit: 2642

16. Claims 11,13-15 and 20-22 rejected under 35 U.S.C. 103(a) as being unpatentable over 2001/0052846 (Jespersen) in view of US 2002/0004414 (Rosay et al.).

17. As to claim 11, what is lacking is the controller unit being a second wireless communication device. Rosay teaches a wireless communication device controlling another wireless communication device (see Rosay, paragraphs 14-20). The motivation for using a wireless communication device as the controller can be found in Rosay. Rosay teaches that controlling wireless communication devices have the same buttons and functionalities of the wireless communication devices they control (see Rosay, paragraphs 1-6). It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Rosay into those of Jespersen for the reasons mentioned above.

18. As to claim 13, note the incorporation of the second wireless communication device (as the controller) cited in the rejection of claim 11. Jespersen further teaches that the authorization codes (first and second) are stored in the memories of the controlled wireless device and the controller unit (which may be a wireless device as well) (see Jespersen, paragraphs 36 and 41). Note that the 'controller' of paragraph 41 is part of the controlled wireless device, and not the controller unit. Jespersen does not specify how the codes are put into memory. Jespersen does teach a user interface for a wireless communication device (see Jespersen, figures 1 and 2). It is well known in the arts that a user can store information into the memory of a wireless communication device using the user interface. The motivation for doing so can be found in Jespersen.

Art Unit: 2642

Jespersen teaches that other RF tags may send signals that could potentially corrupt the signal from the intended controller unit (see Jespersen, paragraph 42). A code configured directly by the user (using the user interface) helps to ensure that the code will be unique. Note that this step can be applied to both the controlling and the controlled device. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to include this step into the teachings of Jespersen in view of Rosay, for the reasons mentioned above.

19. As to claims 14 and 15, note the incorporation of the second wireless communication device (as the controller) cited in the rejection of claim 11. Further note the entering of codes into the wireless communication device (the controlling and the controlled) cited in the rejection of claim 13. What is lacking is the transmission of the code to or from the controller unit. This step reads on text messaging, which is well known in the arts. The method cited in the rejection of claim 1 requires that both the controller unit and the controlled device know the codes. Text messaging can be used to assure that any code entered into controller unit be known to the operator of the controlled unit (and vice versa). It would have been obvious to include this step into the teachings of Jespersen in view of Rosay, for the reasons mentioned above.

20. As to claim 20, note the incorporation of the second wireless communication device (as the controller) cited in the rejection of claim 11. Further note the entering of codes into the wireless communication device (the controlling and the controlled) cited in the rejection of claim 13. Jespersen teaches the user interface and the memory needed to enter and store codes (see Jespersen, figures 1 and 2). Jespersen further

Art Unit: 2642

teaches that the code evaluator (in the first chip) checks a received code (first or second) with a stored code for validity (see Jespersen, paragraph 41).

21. As to claim 21, note the incorporation of the second wireless communication device (as the controller) cited in the rejection of claim 11. Further note the entering of codes into the wireless communication device (the controlling and the controlled) cited in the rejection of claim 13. The step of entering in the code through the user interface can be applied to the second code for the same reason cited in the rejection of claim 13.

22. As to claim 22, note the incorporation of the second wireless communication device (as the controller) cited in the rejection of claim 11. Jespersen further teaches that an alarm (played by the controlled device) is used to notify the user (who is holding the controlling unit) when a valid code (first or second) has not been received (see Jespersen, paragraph 64). In the system taught by Jespersen, the controller unit is a simple chip located in an RF tag (see Jespersen, paragraph 35). As noted above, a second wireless communication device can be used as the controller. It is well known in the arts that a notification message can be sent from one wireless communication device to another, and displayed visually to the recipient. The motivation for doing this can be found in Jespersen. Jespersen teaches that the alarm is used to inform a user that they are far away from the controlled device (see Jespersen, paragraph 32). A notification message sent to the controller unit (which would be another wireless device) could be more reliable than an alarm for many reasons. One reason could be that the area surrounding the controlled device may be loud, and the alarm may not be heard. The owner of the controlled device may also be hearing impaired. For these reasons, it

Art Unit: 2642

would have been obvious to one of ordinary skill in the arts at the time the invention was made to include the transmission of a visual notification (through a notification message) to the controller unit when that device does not receive a valid code into the teachings of Jespersen in view of Rosay.

Conclusion

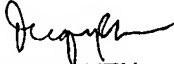
23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 1998/5774804 (Williams) teaches remote activation of a mobile telephone by paging channel phantom numbers. US 2001/6281797 (Forster et al.) teaches a method and apparatus for detecting a container proximate to a transportation vessel hold. US 2003/0088633 (Chiu et al.) teaches a system and method for remotely controlling mobile communication devices. US 2006/0003758 (Bishop et al.) teaches methods, systems and storage media for controlling a wireless unit. US 1993/5216706 (Nakajima) teaches a communication apparatus having a remote control operation mode. US 2004/0257258 (Lee et al.) teaches a portable terminal and method for remote control of electronic products.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mazda Sabouri whose telephone number is 571-272-8892. The examiner can normally be reached on Monday-Friday from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2642

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DUC NGUYEN
PRIMARY EXAMINER

Mazda Sabouri
Examiner
Art Unit 2642